

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RONALD GEORGE BAILEY-EL,
Plaintiff,

v.

JOHN ASHCROFT, et al.,
Defendants.

HONORABLE JEROME B. SIMANDLE

CIVIL NO. 04-5780 (JBS)

MEMORANDUM ORDER

This matter having come before the Court upon Plaintiff pro se Ronald George Bailey-El's appeal from Magistrate Judge Ann Marie Donio's Order of January 28, 2005, denying Plaintiff's motion to appoint counsel; and the Court having read the parties' submissions; and for good cause shown;

THE COURT FINDS as follows:

1. On January 28, 2005, Magistrate Judge Ann Marie Donio issued an Order, denying Plaintiff's motion for the appointment of counsel.
2. In her Order of January 28, 2005, Magistrate Judge Donio considered Plaintiff's request for counsel in light of the considerations set forth to guide that inquiry in Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993), cert. denied, 510 U.S. 1196 (1994), and ultimately determined that the analysis weighed in favor of the denial of appointing counsel in this matter.

3. This Court reviews the order of a magistrate judge pursuant to Fed. R. Civ. P. 72(a). "A district judge may only set aside an order of a magistrate concerning a nondispositive matter where the order has been shown to be clearly erroneous or contrary to law." Snow Machines, Inc. v. Hedco, Inc., 838 F.2d 718, 727-28 (3d Cir. 1988).
4. This Court now finds that nothing in Magistrate Judge Donio's Order of January 28, 2005 can fairly be said to be clearly erroneous or contrary to law. Thus, this Court will affirm that Order at this time.

IT IS this 10th day of June, 2005 hereby

ORDERED that the denial of appointment of counsel order by Magistrate Judge Ann Marie Donio of January 28, 2005 be, and hereby is, **AFFIRMED**.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
United States District Judge